

### **Listing of Claims**

This listing of claims replaces the prior version and provides a listing of claims in the application.

1. (Currently Amended) Method for the treatment of schizophrenia in a patient which is either overweight or has a propensity to be overweight comprising administering as the only antipsychotic agent a therapeutically effective amount of asenapine, wherein the term "overweight" is defined as an individual having, or attaining while on treatment, a body mass index (BMI) in excess of about 25 ~~with an antipsychotic agent administered to a patient with overweight wherein that the antipsychotic agent is asenapine.~~

2. (Currently Amended) The method of claim 1 wherein the patient being treated for schizophrenia is given asenapine in lieu of another antipsychotic agent ~~Method for the treatment with asenapine of schizophrenia in a patient that was having weight gain due to another antipsychotic agent.~~

3. (Currently Amended) The method of Claim 1 wherein diseases associated with an overweight condition are also mitigated by administering asenapine in treating schizophrenia. ~~Method for the treatment with asenapine of schizophrenia in a patient that needs to be protected against weight increase due to the presence of risk factors for a disease for which overweight is also a risk factor or due to the presence of other weight increasing factors.~~

4. (Currently Amended) The method ~~of~~ according to claim 1 wherein the term overweight is defined to be a BMI of greater than about 26 ~~≥ 25.~~

5. (Currently Amended) The method according to claim 4 wherein the term overweight is defined to be a BMI of  $\geq 27.8$  for men and  $\geq 27.3$  for women.

6. (Currently Amended) ~~The method of Claim 1 according to claim 1 wherein asenapine is administered to the patient by the sublingual route.~~

7. (Currently Amended) A formulation comprising asenapine as the only antipsychotic agent in a kit labeled for use as Use of an antipsychotic agent in the manufacture of a medicament for the treatment of schizophrenia in a patient which is either overweight or has a propensity to be overweight, wherein the term "overweight" is defined as an individual having, or attaining while on treatment, a body mass index (BMI) in excess of about 25 with overweight wherein the antipsychotic agent is asenapine.

8. (Currently Amended) Said Kit of Claim 7 which is employed in Use of asenapine in the manufacture of a medicament for the treatment of schizophrenia in administered to a patient who experienced wherein the patient was having weight gain while being treated with due to another antipsychotic agent.

9. (Currently Amended) Said Kit of Claim 7 which is employed in Use of asenapine in the manufacture of a medicament for the treatment of schizophrenia in administered to a patient wherein the patient needs to be protected against weight increase due to the presence of risk factors for a disease for which overweight is also a risk factor or due to the presence of other weight increasing factors.

10. (Currently Amended) The kit of Claim 7 wherein use of claim 7 wherein the said overweight condition is defined to be a BMI of greater than about 26  $\geq$  25.

11. (Currently Amended) The kit of Claim 9 wherein said use of claim 9 wherein the overweight condition is defined to be a BMI of  $\geq$  27.8 for men and  $\geq$  27.3 for women.

12. (Currently Amended) The kit of Claim 7 wherein use of claim 7 wherein the medicament said formulation is adapted to be administered to the patient sublingually by the sublingual route.

13. (Previously Presented) The method according to claim 2 wherein asenapine is administered to the patient by the sublingual route.

14. (Previously Presented) The method according to claim 3 wherein asenapine is administered to the patient by the sublingual route.

15. (Previously Presented) The method according to claim 4 wherein asenapine is administered to the patient by the sublingual route.

16. (Previously Presented) The method according to claim 5 wherein asenapine is administered to the patient by the sublingual route.

17. (Currently Amended) The kit of Claim 8 wherein use of claim 8 wherein the medicament said formulation is adapted to be administered to the patient sublingually ~~by the sublingual route~~.

18. (Currently Amended) The kit of Claim 9 wherein use of claim 9 wherein the medicament said formulation is adapted to be administered to the patient sublingually ~~by the sublingual route~~.

19. (Currently Amended) The kit of Claim 10 wherein use of claim 10 wherein the medicament said formulation is adapted to be administered to the patient sublingually ~~by the sublingual route~~.

20. (Currently Amended) The kit of Claim 11 wherein use of claim 11 wherein the medicament said formulation is adapted to be administered to the patient sublingually ~~by the sublingual route~~.